

# **EXHIBIT 22**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION  
Case No. 17-cv-00939-WHA

-----x  
WAYMO LLC,  
Plaintiff,  
- against -  
UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC;  
OTTO TRUCKING LLC,  
Defendants.  
-----x

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Videotaped 30(b)(6) Deposition  
of GARY BROWN, taken by Defendants, held  
at the offices of Morrison & Foerster LLP,  
250 West 55th Street, at 9:59 a.m. on August  
8, 2017, New York, New York, before Jineen  
Pavesi, a Registered Professional Reporter,  
Registered Merit Reporter, Certified Realtime  
Reporter and Notary Public of the State of New York.

Job No. 2671217A  
Pages 1 - 305

1 THE VIDEO TECHNICIAN: Good 09:57:49AM  
2 morning. 09:57:49AM  
3 We are now recording and on the 09:57:49AM  
4 record on August 8, 2017, at 9:59 a.m. 09:57:51AM  
5 Please note that the 09:57:56AM  
6 microphones are sensitive and may pick up 09:58:00AM  
7 whispering, private conversations, and 09:58:02AM  
8 cellular interference; please turn off all 09:58:04AM  
9 cell phones or place them away from the 09:58:07AM  
10 microphones as they can interfere with the 09:58:09AM  
11 deposition audio. 09:58:11AM  
12 Recording will continue until 09:58:11AM  
13 all parties agree to go off the record. 09:58:14AM  
14 This is video 1 in the 09:58:16AM  
15 deposition of Gary Brown taken by counsel 09:58:19AM  
16 for the defendant in the matter of Waymo 09:58:21AM  
17 LLC versus Uber Technologies, Inc., et 09:58:24AM  
18 al., this case is filed in the U.S. 09:58:28AM  
19 District Court, Northern District of 09:58:31AM  
20 California, San Francisco Division. 09:58:33AM  
21 This deposition is being held 09:58:38AM  
22 at Morrison & Foerster LLP, located at 250 09:58:39AM  
23 West 55th Street, New York, New York. 09:58:43AM  
24 My name is George Libbares, the 09:58:46AM  
25 certified legal video specialist, the 09:58:49AM

1 court reporter is Jineen Pavesi, and we're 09:58:51AM  
2 here from Veritext California. 09:58:53AM  
3 Counsel will now state their 09:58:55AM  
4 appearances and the court reporter will 09:58:57AM  
5 administer the oath. 09:58:59AM  
6 MS. GOODMAN: Martha Goodman 09:59:02AM  
7 for defendants Uber and Ottomotto from the 09:59:04AM  
8 firm Boies, Schiller. 09:59:09AM  
9 MR. NORRIS: Cain Norris, 09:59:10AM  
10 Boies, Schiller, Flexner for Uber and 09:59:10AM  
11 Ottomotto. 09:59:14AM  
12 MR. CHATTERJEE: Neel Chatterjee 09:59:14AM  
13 from Goodwin for Otto Trucking and I also 09:59:16AM  
14 have a consultant with me, Larry Gagnon, 09:59:18AM  
15 from Duff & Phelps. 09:59:20AM  
16 MR. BAKER: Jim Baker from 09:59:22AM  
17 Quinn Emanuel for Waymo. 09:59:23AM  
18 MS. PUCKETT: Nora Puckett from 09:59:25AM  
19 Google.  
20 G A R Y B R O W N,  
21 having first been duly sworn by a Notary  
22 Public of the State of New York, was  
23 examined and testified as follows:  
24 EXAMINATION BY  
25 MS. GOODMAN: 09:59:34AM

1 Q. Good morning, Mr. Brown. 09:59:34AM  
2 A. Good morning. 09:59:50AM  
3 Q. You understand you're here to 09:59:51AM  
4 testify on behalf of Waymo LLC, is that 09:59:53AM  
5 correct? 09:59:57AM  
6 A. I believe so. 09:59:57AM  
7 Q. And you've been designated as a 09:59:58AM  
8 30(b)(6) witness on certain topics, is 10:00:00AM  
9 that correct? 10:00:04AM  
10 A. Yes. 10:00:04AM  
11 Q. What topics are you prepared to 10:00:05AM  
12 testify to here today? 10:00:08AM  
13 A. I think there was a list -- 10:00:12AM  
14 could counsel, do you want to show him the 10:00:14AM  
15 notice? 10:00:16AM  
16 MS. GOODMAN: Sure. 10:00:16AM  
17 We will mark this, Defendant 10:00:19AM  
18 Uber Technologies, Inc., and Ottomotto 10:00:21AM  
19 LLC's Notice of Deposition pursuant to 10:00:25AM  
20 Federal Rule Civil Procedure 30(b)(6), 10:00:27AM  
21 mark that as Exhibit 1311. 10:00:29AM  
22 ( Exhibit 1311, Defendant Uber 10:00:29AM  
23 Technologies, Inc., and Ottomotto LLC's 10:00:29AM  
24 Notice of Deposition pursuant to Federal 10:00:29AM  
25 Rule Civil Procedure 30(b)(6), was marked 10:00:29AM

1 for identification, as of this date.) 10:00:40AM  
2 Q. Based on your review of that 10:00:40AM  
3 document, what topics -- are you prepared 10:00:42AM  
4 to testify -- 10:00:45AM  
5 MR. BAKER: Counsel, we have 10:00:46AM  
6 sent you an e-mail about the topics that 10:00:46AM  
7 we have designated Mr. Brown on and those 10:00:48AM  
8 are the topics that he is prepared to 10:00:50AM  
9 testify about today. 10:00:52AM  
10 Q. My question to the witness is, 10:00:55AM  
11 Mr. Brown, what topics are you prepared to 10:00:56AM  
12 testify here to today? 10:00:59AM  
13 MR. BAKER: I don't think 10:01:00AM  
14 that's a fair question. 10:01:01AM  
15 He didn't memorize the topics, 10:01:02AM  
16 we have designated the topics. 10:01:04AM  
17 You can tell him what topics 10:01:05AM  
18 that we have designated him for and ask 10:01:07AM  
19 him questions about those topics. 10:01:09AM  
20 Q. Can you answer the question, 10:01:14AM  
21 Mr. Brown. 10:01:14AM  
22 A. These seem different. 10:01:19AM  
23 I believe -- 10:01:32AM  
24 MR. BAKER: I will just state 10:01:33AM  
25 for the record -- 10:01:35AM

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1 MS. GOODMAN: Can I take my 10:01:35AM  
2 deposition, I will direct the witness to a 10:01:36AM  
3 page. 10:01:38AM  
4 MR. BAKER: No, that's not 10:01:39AM  
5 proper. 10:01:40AM  
6 MR. CHATTERJEE: Actually, Jim, 10:01:41AM  
7 the judge's standing order allows two 10:01:43AM  
8 objections, not speaking -- 10:01:44AM  
9 MR. BAKER: I understand that, 10:01:46AM  
10 but this is not an objection issue, Neel, 10:01:47AM  
11 this is a 30(b)(6) designation issue and 10:01:50AM  
12 what she is asking him to do is not 10:01:53AM  
13 proper. 10:01:55AM  
14 We have designated this witness 10:01:55AM  
15 for topics 1 and 3, we have told you that 10:01:57AM  
16 and that's what he is prepared to testify 10:02:00AM  
17 to today. 10:02:02AM  
18 Q. Mr. Brown, are you prepared to 10:02:05AM  
19 testify to topics 1 and 3 listed on page 3 10:02:06AM  
20 of the document in front of you? 10:02:09AM  
21 A. Topic 1 and the first third of 10:02:11AM  
22 topic 3. 10:02:15AM  
23 MR. BAKER: And I will just 10:02:16AM  
24 note, also, subject to our objections and 10:02:17AM  
25 responses in the e-mail I believe that we 10:02:20AM

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1 sent you. 10:02:22AM

2 Q. Mr. Brown, as to topic 3, you 10:02:25AM

3 have indicated you're not prepared to 10:02:27AM

4 testify to Waymo's investigation of any 10:02:29AM

5 alleged misconduct by Mr. Levandowski with 10:02:33AM

6 regard to setting up a competing company, 10:02:36AM

7 is that correct? 10:02:39AM

8 A. That's correct. 10:02:39AM

9 Q. And same question as to 10:02:40AM

10 improperly recruiting Waymo employees? 10:02:41AM

11 A. That is correct. 10:02:43AM

12 Q. However, you are prepared to 10:02:45AM

13 testify to Waymo's investigation that 10:02:46AM

14 Anthony Levandowski may have improperly 10:02:50AM

15 downloaded or exported Waymo documents, is 10:02:52AM

16 that correct? 10:02:55AM

17 A. Yes. 10:02:55AM

18 Q. Thank you. 10:02:56AM

19 What did you do today, what did 10:02:57AM

20 you do to prepare to testify as to topics 10:03:02AM

21 1 and 3 with the caveat that we have just 10:03:05AM

22 established for the record, what did you 10:03:08AM

23 do to prepare to testify as to those 10:03:11AM

24 subjects? 10:03:13AM

25 A. I spoke with the administrator 10:03:16AM



1 of Waymo Subversion Server and I met with 10:03:20AM  
2 counsel. 10:03:29AM  
3 Q. Who is the administrator of 10:03:30AM  
4 Waymo Subversion server with whom you 10:03:33AM  
5 spoke? 10:03:35AM  
6 A. Jack Brown. 10:03:36AM  
7 Q. For how long did you speak with 10:03:39AM  
8 Mr. Brown? 10:03:41AM  
9 A. Maybe five to ten minutes. 10:03:46AM  
10 Q. When did you speak with 10:03:50AM  
11 Mr. Brown? 10:03:51AM  
12 A. Yesterday. 10:03:53AM  
13 Q. Was counsel present? 10:03:55AM  
14 A. Yes. 10:03:59AM  
15 Q. What did you and Mr. Brown 10:04:02AM  
16 speak about? 10:04:03AM  
17 MR. BAKER: I will instruct the 10:04:05AM  
18 witness not to answer that question on 10:04:06AM  
19 grounds of attorney-client privilege. 10:04:07AM  
20 Q. Are you following your 10:04:09AM  
21 counsel's instruction? 10:04:10AM  
22 A. Yes. 10:04:11AM  
23 Q. Did you review any documents to 10:04:16AM  
24 prepare for today's deposition? 10:04:17AM  
25 MR. BAKER: And I am going to 10:04:20AM

1 misappropriation claim? 10:14:37AM  
2 MR. BAKER: Same objection. 10:14:39AM  
3 A. I can't even speak to what a 10:14:46AM  
4 trade secret is or isn't. 10:14:49AM  
5 I just know what's in my 10:14:52AM  
6 analysis in my declaration. 10:14:54AM  
7 Q. Well, you are here to provide 10:14:56AM  
8 testimony about Waymo's investigation into 10:14:59AM  
9 Mr. Levandowski, correct? 10:15:01AM  
10 A. That is correct. 10:15:02AM  
11 Q. And I'm asking whether that 10:15:03AM  
12 investigation extends to downloading 10:15:07AM  
13 events other than those which occurred in 10:15:11AM  
14 December 2015 or January 2016? 10:15:13AM  
15 A. I can tell you that the results 10:15:21AM  
16 of my analysis pertain to downloads that 10:15:22AM  
17 occurred in December 2015 and January 10:15:24AM  
18 2016. 10:15:28AM  
19 Q. As part of Waymo's forensic 10:15:36AM  
20 investigation into Mr. Levandowski, are 10:15:38AM  
21 there downloading events other than in 10:15:40AM  
22 December 2015 or January 2016 that were 10:15:44AM  
23 part of Waymo's forensic investigation? 10:15:51AM  
24 MR. BAKER: Objection to form. 10:15:56AM  
25 A. I don't believe currently. 10:16:00AM

1 Q. Waymo will not present evidence 10:16:03AM  
2 at trial of any other downloading event 10:16:06AM  
3 other than in December 2015 or January 10:16:08AM  
4 2016, correct? 10:16:11AM  
5 MR. BAKER: Objection to form, 10:16:13AM  
6 I just caution the witness not to reveal 10:16:15AM  
7 the substance of any attorney-client 10:16:17AM  
8 communications. 10:16:19AM  
9 A. Not to my knowledge at this 10:16:35AM  
10 time. 10:17:05AM  
11 Q. Waymo's forensic investigation 10:17:05AM  
12 is based in part on work that you did, 10:17:06AM  
13 correct? 10:17:08AM  
14 A. Yes. 10:17:11AM  
15 Q. And Waymo's investigation is 10:17:13AM  
16 based in part upon opinions that you 10:17:16AM  
17 formed in the scope -- strike that. 10:17:19AM  
18 Waymo's forensic investigation 10:17:24AM  
19 is based in part on work that you did in 10:17:27AM  
20 the course of your forensic investigation, 10:17:30AM  
21 correct? 10:17:33AM  
22 A. I believe so. 10:17:37AM  
23 Q. And the conclusions from -- 10:17:38AM  
24 the conclusions drawn in Waymo's forensic 10:17:43AM  
25 investigation are based in part on 10:17:45AM

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1 opinions that you formed in the course of 10:17:47AM  
2 your forensic investigation, correct? 10:17:49AM  
3 MR. BAKER: Objection, form. 10:17:52AM  
4 A. They are based on the evidence 10:17:55AM  
5 I uncovered during my investigation. 10:17:58AM  
6 Q. And did you draw conclusions 10:18:02AM  
7 from that evidence from your investigation 10:18:06AM  
8 -- excuse me. 10:18:19AM  
9 Did you draw conclusions from 10:18:19AM  
10 that evidence uncovered in the scope, in 10:18:21AM  
11 the course of your investigation? 10:18:25AM  
12 A. In the sense that if the logs 10:18:27AM  
13 indicate a download occurred, a download 10:18:29AM  
14 occurred, it is not a matter of opinion, 10:18:32AM  
15 it happened, it is not up for debate. 10:18:33AM  
16 Q. You're able to draw that 10:18:39AM  
17 conclusion based on your knowledge and 10:18:40AM  
18 expertise in the field of forensic 10:18:44AM  
19 investigations, correct? 10:18:45AM  
20 A. Yes. 10:18:46AM  
21 Q. In other words, a layperson 10:18:49AM  
22 couldn't look at the logs and determine 10:18:50AM  
23 that a downloading event had occurred? 10:18:53AM  
24 MR. BAKER: Objection to form. 10:18:56AM  
25 A. You would require some 10:18:59AM

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C E R T I F I C A T I O N

I, Jineen Pavesi, a Registered Professional Reporter, Registered Merit Reporter, Certified Realtime Reporter and a Notary Public, do hereby certify that the foregoing witness, GARY BROWN, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink that reads "Jineen Pavesi, RPR, RMR". The signature is written in a cursive, flowing style.

JINEEN PAVESI, RPR, RMR, CRR